

RESOLUTION NO. R-21- 012

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE SERVICE PLAN
FOR CIELO METROPOLITAN DISTRICT**

WHEREAS, on September 8, 2015, the Douglas County Board of County Commissioners (the "Board") adopted Resolution No. R-015-105 approving the Service Plan for Cielo Metropolitan District (the "Service Plan"); and

WHEREAS, on October 30, 2020, Cielo Metropolitan District (the "District") filed a First Amendment to Service Plan for Cielo Metropolitan District (the "First Amendment") with the Douglas County Clerk and Recorder (the "Clerk"), and the Clerk, on behalf of the Board, mailed a Notice of Filing of a Special District Service Plan to the Division of Local Government in the Department of Local Affairs on November 2, 2020; and

WHEREAS, due to the financial nature of the First Amendment, a public hearing before the Douglas County Planning Commission was not required; and

WHEREAS, on November 17, 2020, the Board set a public hearing on the First Amendment for December 8, 2020 (the "Public Hearing"), and (1) ratified publication of the notice of the date, time, location, and purpose of such Public Hearing, which was published in the *Douglas County News-Press* on November 12, 2020; and (2) ratified mailing of the notice of the date, time and location of the Public Hearing, which was accomplished on November 12, 2020, to the governing body of the existing municipalities and special districts which have levied an *ad valorem* tax within the next preceding tax year and which have boundaries within a radius of three miles of the District and to the property owners within the District, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on December 8, 2020, a Public Hearing on the First Amendment was opened and properly continued to January 5, 2021 at which times all interested parties, as defined in § 32-1-104, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the First Amendment was heard, received and considered.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, THAT:

Section 1. The Board does hereby determine that all procedural requirements of §§ 32-1-201, et seq., C.R.S., relating to the First Amendment have been fulfilled and that the Board has jurisdiction in the matter.

Section 2. The Board does hereby find that the First Amendment demonstrates:

- a) that there is sufficient existing and projected need for organized service in the area to be serviced by the District; and
- b) that the existing service in the are to be served by the District is inadequate for present and projected needs; and
- c) that the District is capable for providing economical and sufficient service to the area within its boundaries; and
- d) that the District will have the financial ability to discharge the proposed indebtedness on a reasonable basis as set forth in the First Amendment; and
- e) that adequate service is not, or will not be, available to the area through Douglas County, or other existing municipal or quasi-municipal corporations, including other existing special districts, within a reasonable time and on a comparable basis; and
- f) that the facility and service standards of the District is compatible with the facility and service standards of Douglas County and each municipality which is an interested party under § 32-1-204, C.R.S.; and
- g) that the First Amendment is in substantial compliance with the Douglas County Comprehensive Master Plan; and
- h) that the First Amendment is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area; and
- i) that the ongoing existence of the District is in the best interest of the area being served; and
- j) that the First Amendment, based upon the statements set forth in the First Amendment and upon all evidence presented at the Public Hearing on the First Amendment, meets all conditions and requirements of Title 32, Article 1, Part 2, C.R.S., as amended.

Section 3. The Board hereby approves the First Amendment without conditions.

Section 4. The legal description of the District as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 5. A certified copy of this resolution shall be filed in the records of Douglas County, Colorado.

PASSED AND ADOPTED this 5th day of January, 2021, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:

DocuSigned by:
Lora L. Thomas
A4003FF630E6444...
Lora L. Thomas

Chair, Douglas County Commissioners

ATTEST:

DocuSigned by:
Kristin Randlett
4D0E70E519BB420...

KRISTIN RANDETT, Clerk to the Board


DocuSigned by:


EXHIBIT A
(Legal Description)

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL A:

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4;

THENCE S89° 12'08"W, ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 607.83 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SCOTT ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

- 1. N47° 27'49"W A DISTANCE OF 10.64 FEET TO A POINT OF CURVE;
- 2. ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 43° 20'03", A RADIUS OF 340.00 FEET, A CHORD BEARING AND DISTANCE OF N69° 07'51"W, 251.07 FEET, A LENGTH OF 257.15 FEET;
- 3. S89° 12'08"W, ALONG SAID TANGENT, A DISTANCE OF 471.88 FEET;
- 4. S89° 11'30"W, A DISTANCE OF 770.86 FEET;

THENCE N0° 48'30"E, A DISTANCE OF 298.85 FEET;

THENCE S89° 11'30"W, A DISTANCE OF 547.14 FEET, TO THE WESTERLY LINE OF SAID SOUTHEAST 1/4;

THENCE N0° 17'54"W, ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 929.96 FEET, TO THE C-S 1/16 CORNER OF SAID SECTION 9;

THENCE N0° 18'50"W, CONTINUING ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1329.88 FEET, TO THE CENTER 1/4 CORNER OF SAID SECTION 9;

THENCE N89° 25'50"E, ALONG THE NORTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 2640.81 FEET, TO THE EAST 1/4 CORNER OF SAID SECTION 9;

THENCE S0° 19'44"E, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 2649.05 FEET, TO THE POINT OF BEGINNING

CONTAINING 6,651,847 SQ FT OR 152.705 ACRES OF LAND, MORE OR LESS.

PARCEL B:

A PARCEL OF LAND CALLED "TRACT A" MORE PARTICULARLY DESCRIBED AS, STARTING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4;

THENCE S89° 12'08"W, ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 607.83 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SCOTT ROAD TO THE POINT OF BEGINNING;

THENCE S89° 11'58"W, A DISTANCE OF 917.62 FEET;

THENCE S89° 11'30"W, A DISTANCE OF 1117.11 FEET TO THE WESTERLY LINE OF SAID SOUTHEAST 1/4;

THENCE N0° 17'54"W, ALONG SAID WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 399.97 FEET;

THENCE N89° 11'30"E, A DISTANCE OF 547.14 FEET;

THENCE S0° 48'30"E, A DISTANCE OF 298.85 FEET;

THENCE N89° 11'30"E, A DISTANCE OF 770.86 FEET;

THENCE N89° 12'08"E, A DISTANCE OF 471.88 FEET TO A POINT OF CURVE;

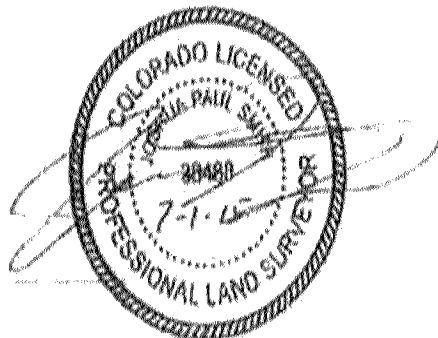
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 43° 20'03", A RADIUS OF 340.00 FEET, A CHORD BEARING AND DISTANCE OF S69° 07'51"E, 251.07 FEET, A LENGTH OF 257.15 FEET TO A POINT OF TANGENT.

THENCE S47° 27'49"E, A DISTANCE OF 10.64 FEET TO THE POINT OF BEGINNING;

CONTAINING 360,443 SQ FT OR 8.275 ACRES OF LAND, MORE OR LESS.

PARCELS A & B CONTAINING 7,012,290 SQ FT OR 160.98 ACRES OF LAND, MORE OR LESS.

PREPARED BY ATWELL LLC.
DATED 06/29/2015



JOSHUA PAUL SKYRIN
CO. REG. NO. 38488
ON BEHALF OF AND FOR
ATWELL, LLC

JOB NO.: 14.54
DATE: 07/01/15

PREVIOUS CONSULTING
SERVICES FOR THIS PROJECT
PROVIDED BY
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